PROB 12B (7/93)

United States District Court

District of New Jersey

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: LEE, Davin

Cr.: 10-00414-001

PACTS Number: 56365

Name of Sentencing Judicial Officer: Honorable Stanley R. Chesler, U.S.D.J.

Date of Original Sentence: 07/22/2010

Original Offense: Possession of a Firearm with an Obliterated Serial Number

Original Sentence: Time served; 3 years supervised release; \$100 special assessment. Special condition: drug and

alcohol testing/treatment.

Type of Supervision: Supervised Release

Date Supervision Commenced: 07/22/2010

PETITIONING THE COURT

To modify the conditions of supervision as follows. The addition of the following special condition: [X]

LOCATION MONITORING PROGRAM (1 month) (Payment NOT waived)

You are to participate in the Location Monitoring Program. You shall be confined to your residence for a period of one (1) month commencing at the direction of the U.S. Probation Office. You shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. You shall wear a Location Monitoring device and follow all location monitoring procedures. You shall permit the Probation Officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. You shall comply with any other specific conditions of home confinement as the Court may require. You shall pay all the costs associated with the Location Monitoring Device. The U.S. Probation Office may use less restrictive location monitoring technology if the U.S. Probation Office determines that a less restrictive device is available and appropriate.

CAUSE

- 1) On November 5, 2010, Lee was the subject of a motor vehicle traffic stop by Elizabeth, New Jersey Police Department. He failed to report this contact with law enforcement to the Probation Office.
- 2) On December 6, 2010, the offender submitted a urinalysis specimen which tested positive for marijuana.

Respectfully submitted,

By: Joseph Empirio, U.S.P.O

THE COURT ORDERS:

1 The Modification of Conditions as Noted Above No Action

[] Other

Signature of Judicial Officer

PROB 49 (3/89)

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition:

LOCATION MONITORING PROGRAM (1 month) (Payment NOT waived)

You are to participate in the Location Monitoring Program. You shall be confined to your residence for a period of 1 month commencing at the direction of the U.S. Probation Office. You shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. You shall wear a Location Monitoring device and follow all location monitoring procedures. You shall permit the Probation Officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. You shall comply with any other specific conditions of home confinement as the Court may require. You shall pay all the costs associated with the Location Monitoring Device. The U.S. Probation Office may use less restrictive location monitoring technology if the U.S. Probation Office determines that a less restrictive device is available and appropriate.

Witness:

J.S. Probation Officer

Signed:

Supervised Releasee

DATE

UNITED STATES DISTRICT COURT PROBATION OFFICE DISTRICT OF NEW JERSEY

WILFREDO TORRES CHIEF PROBATION OFFICER

THOMAS C. MILLER
DEPUTY CHIEF PROBATION OFFICER

March 1, 2011

SUPERVISION UNIT 20 WASHINGTON PLACE 6TH FLOOR NEWARK, NJ 07102-3172 (973) 645-6161 FAX: (973) 645-2155

www.njp.uscourts.gov

Honorable Stanley R. Chesler, U.S. District Judge Martin Luther King Jr. Federal Building and Courthouse P.O. Box 0999 Newark, New Jersey 07102

RE: LEE, Davin

Dkt. No.: 10-00414-001

Notice of Non-compliance & Request For Modification of Supervised

Release Conditions

Dear Judge Chesler:

On July 22, 2010, Davin Lee was sentenced by Your Honor to a time served custodial penalty, followed by a three-year term of supervised release, for the offense of Possession of a Firearm with an Obliterated Serial Number. The offender was also ordered to pay a \$100 special assessment, and abide by the following special condition: alcohol and drug testing/treatment. Lee has been supervised by this office since the date of sentence.

Lee has not complied with several standard conditions of supervised release. Specifically, on November 5, 2010, he was the subject of a motor vehicle traffic stop by Elizabeth, New Jersey Police Department. He failed to report this contact with law enforcement to the Probation Office. Then, on December 6, 2010, the offender submitted a urinalysis specimen which tested positive for marijuana. Please be advised, since December 2010, all urinalysis specimens collected have yielded negative results.

Our Office recommends that an immediate sanction be imposed as a punitive measure while still considering his reintegration efforts. Specifically, we are requesting The Court approve a sanction implementing one (1) month home confinement with electronic monitoring. The offender acknowledged the violations cited above and signed a Waiver of Hearing (Form-49). Unless Your Honor considers otherwise, we ask that you sign the attached Probation Form 12-B authorizing the modification. We will make ourselves available should The Court wish to discuss this matter.

Respectfully submitted,

WILFREDO TORRES, Chief U.S. Probation Officer

By: JOSEPH EMPIRIO, U.S.P.O.

Joseph Empiris

/jae Enclosure(s)